

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena Headquarters
1420 East 6th Avenue - Helena, MT 59620
CONFERENCE CALL

November 23, 2004

Commission Members Present: Tim Mulligan, Vice-Chairman; Mike Murphy; John Lane; John Brenden

Fish, Wildlife & Parks Staff: Jeff Hagener, Jeff Herbert, Jim Kropp, Gary Hammond, Ron Aasheim, Regena Peterson

Vice-Chairman Mulligan called the conference call meeting to order at 12:15 p.m.

1. Antlerless Elk Season Extensions. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained the proposal to extend antlerless elk hunting seasons for two weeks in specified hunting districts that meet the established criteria in the new ARM rule. The new ARM rule has been submitted to the Secretary of State, however it does not become effective until December 3. No changes to the rule are anticipated. By using the Commission's statutory authority to extend the season, FWP will use the same criteria to cover the interim period between Monday the 29th (the day after regular season closure) and December 3.

This two-week extension is for antlerless elk only – not for deer. Herbert stressed that the season extension is based on the criteria established.

The four management criteria that must be met are:

- * Elk herds must be 20% or more over population objectives in specific districts, and
- * Liberal regulations must have been in place for at least 2 years, and
- * Public access during the 5-week general season must have been sufficient to accomplish harvest goals, and
- * Weather conditions during the fall hunting season must have resulted in a harvest that was at least 25% below the 5-year average for a particular check station.

FWP Wildlife Managers and Biologists developed a list of sixteen hunting districts consisting of one district in Region 2, fifteen districts in Region 3, and two districts in Region 4.

Gary Hammond, FWP Wildlife Division Management Bureau Chief, presented the regional season extension recommendations.

Region 2 - HD270 extension for 400 A7 licenses valid during the general season.

Region 3 – Season extension in HDs 300, 319, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, and 341. The Wall Creek WMA, a portion of HD323, would be available only to those applicants who applied unsuccessfully for a license on the WMA.

Region 4 - HDs 442 and 425. HD425 is the Sun River Game Range, and the intention there is to allow those who were unsuccessful in drawing a special permit on the Sun River Game Range the opportunity, similar to a damage hunt.

Herbert said the extension dates are from Monday, November 29, 2004 through Sunday, December 12, 2004. Liberal package quotas have been implemented, and estimates have been built into the check stations. The Darby Station's objective is to achieve a harvest of 250 antlerless animals utilizing the full combination of licenses. The Sun River Complex objective is a harvest of 200 antlerless elk inclusive of those killed during the regular season. The Augusta Check Station will continue to operate, but will close once the quota of 200 elk is achieved. At this point, 74 head, including bulls, have already been checked through the Augusta Station.

Mulligan said historically situations such as these in Region 2 and in the Sun River and on Wall Creek have been dealt with as game damage hunts. It would create confusion to include them in this extension. Herbert said discussion with the Regions revealed that to be in compliance with the rules, HD425 should be handled under the Commissioner's existing game damage authority. As there are no active season permits previously issued, a new list of permit holders would need to be generated for that specific area. He recommended HD425 be dealt with under a separate motion as a damage hunt involving only the Region and the Commissioner from that area.

Mulligan asked if HD 270 should also be a damage hunt, to which Herbert replied that HD270 is in fact an extension of the time period for permits that were valid during general season

Lane stated he had received a message from Mike Cobb who expressed opposition to a late hunt on HD425 on the Sun River Game Range, and questioned the legality of it. A damage hunt under existing game damage authority would assure legality. Herbert affirmed again that HD425 must be handled under game damage rules.

Hagener asked Lane if Cobb was concerned about dispersal of elk from the game range onto his property, or if there were other reasons. Lane said the message merely said Cobb was opposed to it, that Cobb didn't think those animals should be harassed once they make it back to the Game Range. Lane said he would contact Cobb. Hagener said if Cobb does not want hunting on his property, that's his prerogative. Herbert said the tight timeframes have not allowed for visiting with many landowners to see if they have had their fill of hunting. Hopefully they will still allow hunters on their land.

Herbert noted that the Forest Service closes their roads December 1. Hammond said he had contacted them to request postponement until December 12. The Beaverhead Deer Lodge District and the BLM Resource Office in Dillon are supportive of the extension and will work with the Department. There are no road issues in HD442 in the Lewis & Clark Forest near Choteau. There is one road behind the Game Range and the Forest Service is only allowing removal of camps. He said the BLM still needs to be contacted.

Herbert said there are some points to consider such as block management contracts. If those landowners allow hunters on their land during the extended season, the additional costs incurred come from funding available for next year's contracts. Another concern is the time and costs associated with additional staffing for enforcement and check stations, etc.

Hagener and Herbert assured the Commission that the Department is fully obligated to this extension, but want to ensure that everyone is aware that there will be impacts. Herbert said its "eyes wide open" that there are costs associated with doing this.

Hagener said it is the landowner's choice to participate in block management for this extended period. He reiterated the contract runs to the end of the year, but the landowner's expect the season to close the 28th. They will get paid for any additional user days if they allow hunting for the next two weeks.

Mulligan said hunters will show up at the sign-in boxes and just go in if the normal approach is taken to block management versus those who have to get permission slips. Detailed public notice needs to be published indicating the need for landowner permission and the possibility of road closures. Aasheim and the Con Ed Division will assure that this is done.

Mulligan asked about any other conflicts such as lion hunting, to which Herbert replied that some lion hunters will, no doubt, be encountered.

Mulligan asked for clarification on Wall Creek. Herbert said the proposal is to extend the season for those who had drawn a permit but not harvested an elk. Not for unsuccessful permit applicants. Herbert said this must be adhered to – FWP is extending regular season opportunities and not creating new opportunities with additional drawings.

Aasheim asked if general elk licenses can be purchased after Sunday the 28th? Kropp recommended not. He said the Anaconda and Butte hunters already have concerns on how FWP will control the number of elk being killed. Many late hunts result in over-harvest. Not selling licenses after Sunday will prevent people from killing one elk then purchasing another license. He recommended not selling them after Sunday. Mulligan agreed it would be best to close license sales. Hagener said license providers would be notified.

Hammond said A9 / B12s were available in Region 4 in HD 425 and 442, however they are not valid on WMAs, so it is his recommendation not to allow the A9 / B12s in HD425. There are A9 / B12s in HD442 that were only valid on private land and DNRC land. He questioned whether they should be allowed with the same stipulations as during the general season, or disallowed entirely. Mulligan said to leave status quo with exiting restrictions. Lane and Murphy concurred with that decision.

Herbert said Fleecer Mountain will be closely scrutinized by the area hunters. A heavy snowfall could move in a thousand elk and it could get nasty. If this becomes an issue, the Commission can order a 48-hour closure for the entire district. There will be **no portions** of districts opened and closed. The current criteria that must be met for 48-hour closures during the general season would be valid within the extended season.

Mulligan asked if there are additional options other than the established guidelines that can specifically address Fleecer Mountain. There are none, only the established guidelines. Herbert said check stations in Region 3 have primarily been open only on week-ends, leaving the rest of the week open to activities that the Department is unaware of. Mulligan's preference is to address any potential problems on Fleecer before they occur.

Herbert said the closure of a hunting district requires more than a local commission endorsement. A conference call would need to be conducted to obtain a quorum vote. Commissioners have the authority to approve game damage seasons, but general season changes / extensions require broader participation.

Commissioner Brenden was unable to participate in the entire conference call, however he provided his proxy vote of approval of the season extension as proposed by the Department with any modifications the commissioners might recommend.

Action: Mulligan moved and Murphy seconded the motion to approve a two-week season extension for antlerless elk from November 29, 2004 through December 12, 2004 to any general license holder with an unused tag in HDs 300, 319, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 341, and 442, and to any holder of valid A9 / B12 tags. Motion carried.

Herbert pointed out that the motion did not include a statement regarding the closure of license sales after November 28, 2004.

Action: Mulligan amended his motion to include the statement that no additional license sales will occur after November 28. Murphy seconded the amendment. Motion carried.

Action: Murphy moved and Lane seconded the motion to approve a two-week extension for antlerless elk from November 29, 2004 through December 12, 2004 in HD270 to A7 license holders. Motion carried.

Mulligan recommended no motion be made relative to HD425. Lane and Murphy agreed. It will be handled as a game damage hunt.

Mulligan said this will be a learning process and that it is important to create a comprehensive database of information upon which to base any criteria adjustments. The Forest Service needs to be informed so any persons purchasing Christmas tree permits are aware there may be hunting in the area.

Meeting adjourned at 1:06 p.m.

Tim Mulligan, Vice-Chairman

M. Jeff Hagener, Director